



## APPLICATIONS AND DECISION MAKING STANDARDS

**Section 401—Various Applications Provided:**

This Ordinance provides for a number of Land Use Applications including, but not limited to General Plan Amendment Application, Zoning Ordinance Amendment Application, Zoning Districts Map Amendment Application, Permitted Use Application, Conditional Use Permit Application, Temporary Use Application, Site Plan Application, Variance Application, Sign Permit Application, various Appeals Applications, and Building Permit Applications.

**Section 402—Decision Making Standards:**

The decision-making standards set forth in this Chapter are provided based on the fundamental distinction between legislative and administrative proceedings. Legislative proceedings establish public law and policy that is applicable generally, while administrative proceedings apply such law and policy to factually distinct, individual circumstances.

## 1) Legislative Proceedings.

The Council is identified hereby to be the only Land Use Authority of the City authorized to render a decision on any application determined to be a legislative matter and subject to a legislative proceeding. The following types of applications are hereby declared legislative matters and subject to legislative proceedings:

- a) General Plan Amendment Application.
- b) Zoning Ordinance Amendment Application.
- c) Zoning Districts Map Amendment Application (Rezoning).
- d) Official Map Amendment Applications.
- e) Temporary Land Use Regulation Enactments.

## 2) Legislative Proceedings - Decision Standards.

A decision regarding a legislative proceeding shall be based on the "reasonably debatable" standard, as follows:

- a) The Council shall consider any of the following, in its determination and decision, to reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, more fully implement and achieve the policies and purposes of the City, as contained in the Roy City General Plan, and promote the general welfare of Roy City and its residents.
- b) In rendering a final decision for a legislative proceeding the Council may consider the following:
  - i) Reports, information and testimony presented at the public hearing(s) or meeting(s) when the legislative matter was considered; and
  - ii) The personal knowledge of Council members regarding the various conditions and activities bearing on the issue, including, but not limited to, the effect of guiding growth and development in an orderly manner, providing for the implementation of the Roy City General Plan, preserving the natural resources, including open space, wildlife habitat, clean air and water, providing opportunities for the establishment of appropriate business activities to meet the needs of residents and others, preventing the overcrowding of land, preventing damage and injury from disasters such as fire,

flood, geologic and seismic hazards, and other dangers, directing and managing the type, distribution, and intensity of uses and activity, ensuring the adequacy and sufficiency of required public services, facilities, and amenities, protecting landowners from potential adverse impacts from adjoining uses, and securing economy and efficiency in the allocation and expenditure of public funds.

- iii) The Council shall identify and include the basis, and any findings of fact for the final decision, in the public record of meeting minutes when the legislative matter is considered.
- 3) Administrative Proceedings and Decisions.  
The following types of applications are hereby declared to be administrative matters and subject to administrative proceedings:
    - a) Permitted Use Application.
    - b) Conditional Use Permit Application.
    - c) Temporary Use Permit Application.
    - d) Site Plan Application.
    - e) Determinations of Nonconforming Use(s), Noncomplying Structure(s), and other Nonconformities.
    - f) Sign Permit Application.
    - g) Variance Application.
    - h) Building Permit Application.
    - i) All other applications for any necessary approval, permit, or license required by the provisions of this Ordinance, and not identified to be legislative proceedings, as identified, herein.
  - 4) Administrative Proceedings - Decision Standards.  
All decisions regarding an administrative proceeding shall be based on the "substantial evidence" standard including, as a minimum the following:
    - a) A statement of the standards for approval applicable to the application;
    - b) A summary of evidence presented to the decision making body or official;
    - c) A statement of findings of fact or other factors considered, including the basis upon which such facts were determined and specific references to applicable standards, as set forth in this Ordinance, or other provisions of the Roy City Municipal Code; and
    - d) A statement of approval, approval with revisions or conditions, or disapproval, as applicable.